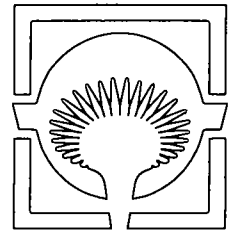
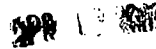


US EPA RECORDS CENTER REGION 5



465485



**FOSECO**

669390:mab/578555v1

March 30, 2001

Foseco Inc  
20200 Sheldon Road  
Cleveland  
Ohio 44142 1380 USA  
Telephone  
440 826 4548  
Facsimile  
440 243 7658

Ms. Deena Sheppard-Johnson, SR-6J  
U.S. Environmental Protection Agency  
Remedial Enforcement Support Section  
77 West Jackson Blvd.  
Chicago, IL 60604

Re: Response to Request for Information - Chemical Recovery Systems Site  
in Elyria, Ohio

Dear Ms. Sheppard-Johnson:

This letter serves as the response of Foseco, Inc. to the March 2, 2001 Request for Information ("Request") regarding the Chemical Recovery Systems Site in Elyria, Ohio ("Site"). Nothing in Foseco, Inc.'s response to this Request shall constitute an admission of liability for the Site, and Foseco, Inc. reserves its right to contest any allegations made against Foseco, Inc. with regard to this Site by any person or entity. By responding to this request, Foseco, Inc. does not intend to waive any applicable privileges, including, but not limited to, the attorney-client privilege and the attorney work product doctrine.

Foseco, Inc. has several objections to the Request. First, no relevant time period is defined for the Request. However, based upon the attached Site History, Foseco, Inc. understands the relevant time period to be 1960 through 1981. Foseco, Inc. will make every effort to respond with respect to the relevant time period for which it has knowledge, but undertakes only to respond to the Request for the time period covered by its records and/or for the time period for which any persons with knowledge regarding the Site recall any information. To the extent that any documents have been disposed of in accordance with normal business practices and/or document retention policies prior to the receipt of the Request, Instruction No. 10 imposes an undue burden on Foseco, Inc. to the extent persons with knowledge do not recall the information requested.

Foseco, Inc. objects to Instruction No. 8 and Definition No. 10 of "you," "yours," and "Respondent" as being unreasonable, unduly burdensome and beyond U.S. EPA's statutory authority to the extent they require Foseco, Inc. to respond on behalf of other persons or parties not subject to Foseco, Inc.'s current control. Foseco, Inc. can provide only that information currently in its own possession, and makes no response on behalf of any other person or entity.

Foseco, Inc. objects to Instruction No. 11 as unreasonable, unduly burdensome and beyond U.S. EPA's statutory authority to the extent it purports to require Foseco, Inc. to produce documents that would be protected from disclosure by the attorney-client privilege, attorney work product doctrine or other applicable privilege.

Foseco, Inc. objects to Definition No. 9 of "identify" as being unreasonable and unduly burdensome to the extent it requires Foseco, Inc. to recharacterize information contained on the face of documents provided.

It should be noted that U.S. EPA has not yet provided Foseco, Inc. with any evidence allegedly linking Foseco, Inc. with the Site. If U.S. EPA subsequently provides Foseco, Inc. with such evidence, Foseco, Inc. may be enabled to conduct a more targeted investigation to determine if any connection with the Site exists.

Notwithstanding and without waiving the above objections, Foseco, Inc. submits the following responses to the Request.

### **RESPONSES TO REQUEST FOR INFORMATION**

**1. Identify all persons consulted in the preparation of the answers to these questions.**

Frank Simcic, Senior Environmental Coordinator, and Joe Vrh, former Environmental Coordinator.

**2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.**

Foseco, Inc. objects to Request No. 2 on the grounds that it is overly broad and unduly burdensome to the extent it requires Foseco, Inc. to identify and provide copies of documents which are not responsive to specific questions regarding the Site. Accordingly, Foseco, Inc. has considered releasing copies of documents which are responsive to specific questions in the Request.

**3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons.**

Foseco, Inc. is not aware of other persons who may have knowledge or responsive documents.

**4. List the EPA Identification Numbers of the Respondent.**

Foseco, Inc.'s U.S. EPA Identification Number is OHD 990778490 for the plant located at 20200 Sheldon Road, Cleveland, OH 44142 and OHD 021150461 for the plant located at 1100 Maple Ave., Conneaut, OH 44030.

**5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom at the CRS Site.**

Foseco, Inc. objects to Request No. 5 on the grounds that it requests information not in Foseco, Inc.'s current possession or control. Without waiving any objection, Foseco, Inc. states that after conducting a reasonable inquiry, it has been unable to obtain information responsive to this question.

**6. Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site (operating as Obitts Chemical Company or Chemical Recovery Systems, Inc., at 142 Locust Street, Elyria, Ohio).**

Foseco, Inc. objects to Request No. 6 on the grounds that it requests information not in Foseco, Inc.'s current possession or control. Without waiving any objection, Foseco, Inc. states that after conducting a reasonable inquiry, it has been unable to obtain information responsive to this question.

**7. Describe all arrangements that Respondent may have or may have had with each of the following companies and persons:**

- a) Obitts Chemical Company
- b) Russell Obitts
- c) Chemical Recovery Systems, Inc.
- d) Peter Shagena
- e) James Freeman
- f) James "Jim" Jackson
- g) Donald Matthews
- h) Bob Spears
- i) Bill Bromley
- j) Carol Oliver
- k) Nolwood Chemical Company, Inc.
- l) Art McWood
- m) Chuck Nolton
- n) Michigan Recovery System, Inc.
- o) Chemical Recovery Systems of Michigan

After conducting a reasonable inquiry, Foseco, Inc. has not found any evidence of arrangements with the companies and persons listed in this question during the relevant time period.

**8. Set forth the dates during which the Respondent engaged in any of the following activities:**

- a) generation of hazardous materials which were sent to the CRS Site;
- b) transportation of any materials to the CRS Site.

After conducting a reasonable inquiry, Foseco, Inc. has not found any evidence that it transported or generated any hazardous substances which were transported to the Site.

**9. Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the CRS Site. In addition, identify the following:**

- a) The persons with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements took place;
- c) For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used for the process which generated the substance;
- d) The owner of the materials or hazardous substances so accepted or transported;
- e) The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- f) All tests, analyses, and analytical results concerning the materials;
- g) The person(s) who selected the CRS Site as the place to which the materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such hazardous substances or materials transported and all evidence of this intent;
- j) Whether the materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the materials or hazardous substances once they were brought to the CRS Site;
- l) The final disposition of each of the materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the material and hazardous substance involved in each transaction;
- n) The type and number of containers in which the materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the CRS Site, and all markings on such containers;
- o) The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance;
- p) All documents containing information responsive to a - o above, or in lieu of identification of all relevant documents, provide copies of all such documents;
- q) All persons with knowledge, information, documents responsive to a - p above.

Foseco, Inc. objects to Request No. 9 on the grounds that it requests information not in Foseco, Inc.'s current possession or control. Without waiving any objection, Foseco, Inc. states that after conducting a reasonable inquiry, it has been unable to obtain information responsive to this question.

**10. Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.**

Foseco, Inc. objects to Request 10 on the grounds that it is overly broad and unduly burdensome, particularly where, as here, Foseco, Inc. has not advanced an inability to pay argument. If Foseco, Inc. asserts an inability to pay defense in the future, Foseco, Inc. will provide financial information.

**11. Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.**

Foseco, Inc. objects to Request 11 on the grounds that it is overly broad and unduly burdensome, particularly where, as here, Foseco, Inc. has not advanced an inability to pay argument. If Foseco, Inc. asserts an inability to pay defense in the future, Foseco, Inc. will provide financial information.

**12. If Respondent is a Corporation, respond to the following requests:**

- a) **Provide a copy of the Articles of Incorporation and By-Laws of the Respondent;**
- b) **Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;**
- c) **Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities;**
- d) **Identify the Parent Corporation and all Subsidiaries of the Respondent.**

- a) I am in the process of requesting permission to release our Articles of Incorporation and By-laws of Foseco, Inc.
- b) See response to Request 11.
- c) See response to Request 11.
- d) Foseco, Inc. is a subsidiary of Georgetown Holding Company. Exomet Inc. and Foseco Properties Inc. are subsidiaries of Foseco, Inc.

**13. If Respondent is a Partnership, respond to the following Requests:**

- a) **Provide copies of the Partnership Agreement;**

- b) **Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;**
- c) **Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.**
- d) **Identify all subsidiaries of the Respondent.**

Not applicable.

**14. If Respondent is a Trust, respond to the following requests:**

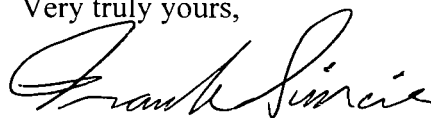
- a) **Provide all relevant agreements and documents to support this claim;**
- b) **Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;**
- c) **Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.**

Not applicable.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you have any questions regarding the responses to the Request, please contact the undersigned.

Very truly yours,



Frank Simcic, Senior Env. Coordinator

cc: Fred Corpuz, Vice President of Operations

Mr. George Sheppard - Johnson SR-65

Chicago IL 60604

77 West Jackson Blvd.

U.S. Environmental Protection Agency  
Remedial Enforcement Support Section

RETURN RECEIPT  
REQUESTED

